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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,487

Applicant(s)

KWOK ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

1. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-12, 14 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Starr (US Patent 6,606,606).

Regarding claim 1, Starr discloses a system for managing oil and gas industry data and granting a user access to the data over a network (see at least Figs. 1 and 2. Note: the recitation "*for managing oil and gas industry data* " has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the instant case, the recitation, "*for managing oil and gas industry data* " is the intended use of a structure and the body of the claim that follows, after comprising, that is "*a database within.....system administration module*" does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone.) comprising:

a database within at least one server operatively connected to the network, the database containing data from at least one customer (see at least reference "16" in Fig.1 and col.4, lines 7-25. Note: Database "16" is within at least one server "14" operatively connected via network "20" and the database contains data from the service providers "18" which are customers. See also, col.5, line 58-col.6, line 11.) ;

a system administration module for granting the user access rights to a customer's industry data, wherein the user can access a customer's industry data

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across the network upon being granted access rights by the system administration module (see at least col.4, lines 14-25, “ *The elements of the system 10 can include commercially available systems that have been arranged and modified to act as a system according to the invention, which allows a subscriber to carry out integrated financial transactions, and optionally generated records of these integrated transactions. The system 10 of FIG. 1 employs the Internet to allow a subscriber at a remote client, the subscriber systems 12, to access a central server, the depicted central server 14, to login to an account maintained by that server, and to employ the services provided to that account to perform financial transactions that are commonly required by a small business.* ”. Note: “subscriber” in Starr corresponds to the user who can access the service provider's data (customer's data) across the network, that is Internet. A subscriber is one who is registered and by using the necessary password/pin is granted access to the database) .

Regarding claim 2, Starr discloses that the system as in claim 1 wherein the system is an internet portal and website, the website including a home page module having operative links to the database and the system administration module (see at least Figs. 1 and 2 and col.4, lines 26-48, “*For example, the server 14 can present the subscriber with an HTML page that acts as a user interface. This user interface can present to the subscriber a set of controls for performing financial transaction typical for a small business. For example, the user interface can provide to the subscriber a control, typically a button on a web page, that directs the system to perform a payroll operation. For this transaction, upon activation of the user control, the server 14 can create instructions that can be followed by the different financial service providers that have a role in the payroll financial transaction.* ”, Note: An user can access the database and the system administration module via the HTML page in order to carry out use the service

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provider's services. The server system "14" in Starr represents an internal portal and website.) .

Regarding claim 4, Starr teaches that the system as in claim 1 further comprising a project management module operatively linked to the home page enabling a customer to access project management software to control access by third parties and to monitor third party access to the industry data through the system administration module (see at least col.7, lines 5-20. The access controller "42" using an application program control's and monitors access by the users . The users correspond to third parties and the access controller "42" corresponds to the project management module).

Regarding claim 5, Starr teaches that the system as in claim 1 wherein the wide area network is the Internet or an Internet or a combination thereof (see at least col.4, lines 49-57, " ..a network 20, such as the Internet.... ").

Regarding claim 6, Starr discloses that the system as in claim 1 wherein the system administration module includes at least two levels of access security including a public access level enabling public access to public industry data without system registration and a first access level enabling user access to specific industry data only after system registration (see at least col.7, lines 5-20. Starr teaches that in response to information provided by the subscriber an access level is granted which implies that subscribers are allowed to specific

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industry data, that is data of service providers based upon their specific information. However, a user can access the site without registration and can view the home page but will not be able to access specific data until he provides the necessary information, such as password or PIN).

Regarding claim 7, Starr discloses that the system as in claim 6 wherein the system administration module includes a third level of access security enabling user access to a customer's industry data after the customer grants access approval to the user (see at least col.7, lines 5-67. Starr teaches that first in response to the subscriber's information an access level is granted and this corresponds to the second level and then after that the access controller determines the class of access to grant the subscriber as illustrated in Fig.4 and this corresponds to third level of access security.).

Regarding claim 8, Starr discloses that the system as in claim 7 wherein the third level of access is granted after a user has completed a financial transaction with the customer (see at least col.7, line 21-col.8, line 13. Starr discloses that the third level of access is provided to an user, such as a small business to perform payroll functions and this access is granted because the small business has already worked with the payroll service provider in implementing payroll transactions, which are financial transactions).

Regarding claims 9 and 11, Starr discloses that the system as in claims 1 and 2 further comprising industry data viewing and processing software operatively connected to the system/home page to enable a user having access rights to view or process or analyze or interpret the industry data/specific software applications from a remote location across the network (see at least col.7, line 5-col.8, line 13. A user is allowed to access industry data related to payrolls and can both view and process the data from a remote location).

Regarding claim 10, Starr discloses that the system as in claim 2 wherein a third party service or product provider web page is operatively linked to the system (see at least Figs. 1 and 2 which disclose that the product provider web pages, see reference "18" are operatively linked to the web server "14").

Regarding claim 12, Starr teaches that the system as in claim 2 wherein the home page module is operatively linked to any one of or a combination of data software modules including data management, data mapping, data processing, and data viewing software, a virtual client room module, a project management module, a resource module, a business floor module and third party modules including any one of or a combination of professional services, technical services and financial services (see at least col.5, line 58-col.6, line 51 and Figs. 1 and 2. Starr discloses that the HTML page of the web server "14" is operatively connected to clients "12, to any number of service providers "18"). .

Regarding claim 14, Starr discloses that the system as in claim 4 wherein the third parties are financiers (see at least col.6, lines 12-51. Starr discloses that the service provider "18" can be any entity which provides services, such as, credit services. In fact the system architecture of Starr can also be used by any one of geologists, geophysicists, engineers to provide data to web server "14" and then letting users access that data).

Regarding claim 19, Starr discloses that the system as in claim 1 wherein the system administration module acts as an intermediary in a financial transaction between a customer and user (see at least col.7, lines 21-67. Starr discloses that the system administration module in web server "14" acts as an intermediary in a financial transaction, that is implementing payroll function, between a customer [payroll service provider "18" and user (client "12').

Regarding claims 20-21, their limitations are already covered in claims 1-2, 4-12 and 14-19 above and are therefore analyzed and rejected on the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of the article, , " Multex Launches Research-On-Demand", Information Today; v 15, n4, p 28, April 1998; extracted on Internet from Dialog on Internet on 8/24/2004, hereinafter referred as Multex.

Regarding claim 3, Starr discloses that the system as in claim 2 further comprising a virtual client room module operatively linked to the home page enabling a customer's industry data to be located in a specific location on the website (see at least Fig.1 and 2, col.4, line 49- col.6, line 51 which disclose that client systems 12 are operatively linked to the HTML page of web server "14" and via these client modules it is possible to locate customer's industry data located on specific location on the website at reference "18". Starr does not disclose that this data is graphically stored. However, in the field of same endeavor, Multex teaches that customer's data, that data from service providers , such as brokerage research reports is stored graphically. In view of Multex, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Starr to incorporate the feature of storing data graphically because it would enable the financial service providers in Star to store data in form of charts, graphs for presentation to the users.

Regarding claim 13, Starr discloses that in system as in claim 12 the data software modules are remote to the system and a customer or user can access

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a specific data software module. Starr does not disclose that the access is granted on a pay per use basis. However, in the field of same endeavor, Multex teaches that the access is granted to specific data software module, such as research reports for prices varying from \$4 to \$ 150. In view of Multex, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Starr to suggest that a user can access a specific data software module on a pay per use basis because to complete the transaction by charging the user for the services.

Regarding claim 17, Starr in view of Multex discloses that the system as in claim 3 wherein the system administration module enables multiple parties to access industry data within a virtual client room module simultaneously (see at least Starr col.4, line 58-col.5, line 26. A plurality of client systems 12 can access the web server "14" simultaneously to access industry data).

6. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Silverman et al. (US Patent 5,136,501), hereinafter referred to Silverman.

Regarding claim 15, Starr does not suggest that the system administration module does not identify the identity of parties prior to the completion of a transaction. However, in the same field of electronically providing matching transactions in order to complete trades between bids and offers, Silverman suggests not to identify the identity of parties prior to the completion of a transaction (see at least col.3, lines 39-52, col.2, lines 17-63 and col.1, lines 43-

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47 and lines 56-59). In view of Silverman, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Starr to suggest that the system module does not identify the identity of parties prior to the completion of a transaction, because anonymous matching systems are often desired, as explicitly disclosed in Silverman, see col.1, lines 43-47) to hold the identity of the parties engaging into transactions till they are completed.

Regarding claim 18, its limitations are closely parallel to the limitations of claim 15 and therefore it is analyzed and rejected on the same basis.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr in view of Multex and further in view of Finsterwald (US Patent 6,039,244).

Regarding claim 16, Starr in view of Multex discloses that the system in claim 3 allows virtual clients to be operatively connected to the home page of the system where the customer's industry data is graphically located in specific locations on the website. Starr in view of Multex does not disclose that access to a virtual client room is limited to a specific time by the system administration module. However, in the analogous field of endeavor of giving an user access rights to a chat room online, Finsterwald teaches that access to a virtual client room is limited to a specific time (see at least col.6, lines 32-39). In view of Finsterwald, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Starr to suggest that

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access to a virtual client room is limited to a specific time because this will allow only those users to access the database who have paid for it for a specific period of time as explicitly disclosed in Finsterwald and so that an overload could be avoided.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,856,676 to Pirot et al. discloses a system and method of controlling and managing data over a network and provides access at different authorization levels (see at least abstract and col.11, lines 17-41).

(ii) US publication 2002/0065848 A1 to Walker et al. discloses a system and method for allowing multiple users to access documents stored in a database (see at least abstract).

(iii) US Patent 6,785,728 to Schnieder et al. discloses a system and method of controlled access to information stored in a database (see at least abstract.).

(iv) US publication 2001/0056422 A1 to Benedict, JR. et al. (see at least abstract) and US Publication 2001/0032116 A1 to Hyatt discloses a database information access system (see at least paragraphs 0001-0006).

(v) US Patent 6,609,115 to Mehring et al. discloses a system and method of controlled access to information stored in a database (see at least abstract.).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', written over a horizontal line.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
March 16, 2005